

# NEW *TERRA NULLIUS* NARRATIVES AND THE GENTRIFICATION OF AFRICA'S "EMPTY LANDS"

**Charles Geisler**

*Development Sociology*

*Cornell University*

ccg2@cornell.edu

## ABSTRACT

*Extraterritorial ownership and control of sub-Saharan African land have a long and troubled history. This research investigates a much-studied practice—the recent enclosure of African land and resources—but asks a little-studied question: how are non-Africans reasserting terra nullius narratives of the past to justify the present transformation of African landscapes? The answer suggested here lies in a bulwark of de facto terra nullius claims couched in security needs of the global North and referenced to the low density of Africa's rural population, its land and labor under-utilization, the ambiguity of its land tenure and related low yields, and its "arrested" civilization. De facto terra nullius is neither narrow in scope nor static in application. It is stirring again as a potent justificatory logic for north-south land relations.*

Key words: *Terra nullius*, Africa, land grab, food security, Land Question

## INTRODUCTION

Many African nations are today experiencing land annexations by off-shore interests, called investments by some and land-grabs by others. These enclosures entail millions of acres and affect millions of African lives. They are hastened by the mounting security concerns associated with production uncertainties in global food and energy supplies as well as by a new speculative mood arising from ashes of the prolonged financial crisis in the north. Broadly, the present work is about the spill-over effects of these twin forces as they cascade on Africa. My narrower interest is in narratives used to justify these annexations, in particular new strands of the old doctrine, *terra nullius* ("land of no one"). As a pretext for control if not ownership in distant lands, the doctrine survives as a legal tool of the global North; more importantly, it is reappearing in potent *de facto* forms that have yet to be acknowledged and which are facilitating the spread of African land claims by non-Africans.<sup>1</sup>

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<sup>1</sup>The "global North" is defined here less according to geography than by high levels of per capita wealth and use of these assets to import needed food, animal feed, and biofuels. Complicating this, some of Africa's newest land enclosures result from African investor initiatives or from collaborations between African and non-African interests (GRAIN 2008; Rice 2009).

The global North is increasingly adept at casting its security concerns in transboundary terms and at treating African land and resources as global commons awaiting legitimate and benevolent enclosure. Invoking security to justify intervention in the lives and property of others opens floodgates of legal power and precedent. Most familiar are the security concerns of war (Agamben 2005) and natural disasters (Buell 2003; Nolan and Rodriguez 2006). But insecurity narratives are expanding. The current historical conjuncture is distinguished by food and energy apprehensions driving land procurement through a variety of means and framed in security terms. Food security in capital-rich nations assumes mission-level necessity and self-justification on a global scale, following in the footsteps of former missions such as civilizing, evangelizing, and modernizing (Crosby 1986; Armitage 1998). *Terra nullius* narratives justified these missions in the past, and, as we shall see, are embroidering potent new security missions today.

The poorest continent by various measures, Africa is particularly susceptible to off-shore annexations. It has the lowest per capita income of any world region and is stricken with many barriers to change (Toulmin 2006). At least some of its small producers, who cultivate 80 percent of Africa's farmland (IAASTDT 2009), might welcome a second green revolution and related investments (Cotula and Vermeulen 2009), if an enforceable international code of conduct accompanied them.<sup>2</sup> Many non-Africans construe enclosure through market mechanisms as valid, long overdue, and mutually beneficial to Africans and non-Africans (e.g., Blumenthal 2009; Deininger 2011). Yet others are cautious if not skeptical, given the costs and involuntary transformations such interventions entail (Daniel and Mittal 2009; De Schutter 2011). This on-going debate will not guide the present chapter so much as the following question: how do investors, mostly foreign, in Africa's agricultural lands justify broad-gauged intervention in the court of global public opinion, given that food security in the south has at least as much gravity as that of the north?

## THE LAND QUESTION

Against a background of high and on-going levels of hunger and malnourishment in the poorer countries of the world, 2007, 2008, and 2011 all saw severe perturbations in prices and a virtual end to the era of "cheap food" (McMichael 2009; Barrett 2011). Food insecurity was further fanned by biofuel production and other competing land uses. Investor-speculators lost little time in moving capital into the breach at levels few would have imagined in the previous decade (Mitchell 2009; Smaller and Mann 2009). Agro-industrial firms have, with encouragement from the World Bank's International Finance Corporation and Foreign Investment Advisory Service, gone to ever greater lengths to vertically integrate the production of food and fuel (Daniel and Mittal 2009). This translated into aggressive land assembly strategies offshore and posed new issues of landlordism. Whereas "The Land Question" of the past riveted on landlordism within the global North, the central land question of today may well be who will manage Africa's abundant land and resources in the future—non-African landlords or Africans themselves—and using what justification?<sup>3</sup>

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<sup>2</sup> For an overview of recent developments in such a code, see Meinzen-Dick and Markelova (2009).

<sup>3</sup> Historically, The Land Question referred to the problems of landlordism in nineteenth-century Ireland and to tenant displacements that followed. Landlordism came with conquest and colonization by English and Scottish elites, as did crushing tenancy on a grand scale. The food insecurity of the Irish peasantry culminated in the famines of the

African nations depend on financial inflows from non-African nations consisting of official development assistance (ODA), investment flows (portfolio and foreign direct investment (FDI), trade credits, and remittances. All have been negatively affected in the financial crisis recently emanating from the north (Naudé 2010). Rising export demand and commodity prices were vital to African economic viability until the crisis, but have plummeted since (IMF 2009). Since late 2008, African growth rates “came tumbling down with amazing speed,” spawning unemployment, income loss, and impoverization (Naudé 2010). Governments in the region sought to be proactive, negotiating assistance from the IMF, monitoring their economies, providing emergency financing for on-going infrastructure and development projects, and seeking new FDI (Fosu and Naudé 2009). In the process, large swaths of Ethiopia, Sudan, Mali, South Africa, Ghana, Mozambique, South Africa, Madagascar, Malawi, and other African nations went up for rent, sale, swap, speculation, or contract farming. Estimates are that, globally, between 37 and 49 million hectares were consolidated for export agricultural ventures between 2006 and 2009 (Daniel and Mittal 2009) and that another 30 million hectares were added during the first half of 2010 (Baxter 2010).

These land encroachments for Africa are estimated at “hundreds of square miles” (Rice 2009: page number?) and can consume large swaths of individual countries: the attempted purchase by South Korea’s Daewoo Logistics Corporation of 1.3 million hectares in Madagascar in 2009 would have reduced that country’s arable land by one-third had it been consummated (Cotula et al. 2009). But even the more generous estimates understate the extent of enclosure for several reasons: data inadequacy (EOE 2009); exclusion of transactions under 1,000 hectares in some studies (e.g., Cotula et al. 2009); and inattention to sub-surface “lands” and resources (minerals, oil, water), to forests and bioprospecting zones, and to areas set aside for carbon sequestration, waste-stream storage, foreign military bases, and other off-shore arrangements listed under the name of domestic business partners (e.g., Unruh 2008). In Africa and elsewhere, up to 90 percent of the enclosed land is the result of private land dealing and not subject to easy monitoring (Hall 2010), and many transfers are subject to drivers that impose considerable variability on total estimates (Meinsen-Dick and Markelova 2009).

### TERRA NULLIUS NARRATIVES, OLD AND NEW

For centuries, empires have coveted lands beyond their boundaries to enrich and empower themselves (Wallerstein 1967; Armitage 1998). Invariably, they crafted ideological mantles to account for territorial expansion (Manifest Destiny, Divine Providence, White Man’s Burden, etc.), if not to “save” peripheral places from barbarism and savagery (Mehta 1999). In the process of civilizing, pacifying, and subduing, expansionary interests refined the theory of *terra nullius* in expanding their dominion (Weaver 2005). Australia is the best known laboratory of the *terra nullius* doctrine in both its colonial and post-colonial era. And, though ruled a legal fiction by the High Court of Australia in 1992 (*Mabo vs. Queensland*), the narrative has proven resilient in both its *de jure* and *de facto* forms. Surprisingly, even after 1992, *terra nullius* still officially applies to vast portions of Australia seen as “truly uninhabited,” held as freehold or leasehold, or

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1840s (Pomfret 1930; Hugget 1975). For different treatments of The Land Question in Africa and African, see Havnevik (1997) and Williams (2007).

taken by the Crown for public works (Godden 1999:3).<sup>4</sup> But informal expressions of *terra nullius* are thriving in other parts of the world, with immediate relevance to contemporary Africa. With little fanfare these narratives are surfacing as partial justification for what Araghi (2000) has called the “great global enclosure” of our time.

Scholars trace the beginnings of *terra nullius* a legal doctrine to the Roman law principle of *res nullius* (“a thing without owner”) (Banner 2005). Tellingly, as the Roman Empire grew, *terra nullius* came to describe all lands beyond the imperial boundaries. In Romano-centric jurisprudence, these lands were by definition not “owned” by anyone and were fair game for annexation. To the Roman mind, such lands awaited Romanization, a service the Empire was eager provide in Gaul, Germania, Britannia, Spain and, not incidentally, in its “granary” of North Africa (Mommsen 1974; Raven 1993).

The Judeo-Christian roots of *terra nullius* are relevant as well. Bauman (2009) investigates this tradition in her thorough genealogy of *ex nihilo* philosophy. In her view, *ex nihilo* was used to defend monotheism of the center against polytheism of the periphery as Rome became Christianized, and this became groundwork for *terra nullius* narratives during colonial conquests by later Christian monarchs (*ibid*:12). From this perspective, *terra nullius* faithfully re-enacted the Euro-Christian dogma of creation: something providential arising from nothing (*ex nihilo*). It was but a short and convenient step to inscribe ownerlessness on emptiness (*terra nullius*)—a void awaiting the dominion of monotheists and their laws.

As New World frontiers opened, *terra nullius* further cemented. The writings of John Locke depicted the world in its original state of nature as owned in common (Judge 2002); but as many have noted, ownership by all equates with ownership by none, the equivalent of *terra nullius*. More explicit attention to the concept appeared in the *Commentaries on the Laws of England* by Sir William Blackstone ([1765] 1979). The *Commentaries* were frequently referenced by colonial administrators and, even today, enjoy wide authority on matters of ownership. Blackstone ([1765] 1979) wrote:

Plantations, or colonies in distant countries, are either such where the lands are claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother country; or where, when already cultivated, they have been either gained by conquest, or ceded to us by treaties. And both these rights are founded upon the law of nature, or at least upon that of nations. (107)

Blackstone’s emphasis on “desert” and “uncultivated” is relevant to today’s food security discourse. It suggests that under-cultivated lands (in Africa or elsewhere) might qualify as *terra nullius* or sites where insufficient labor and land have been mixed to yield real ownership (Reynolds 1996). Taking a page from the Romans, the British deployed *terra nullius* in Africa within 20 years of Blackstone’s *terra nullius* assertion (Banner 2005). Along with other Europeans, they pursued such claims well into the twentieth century (Adams and Mulligan 2003). “From Senegal to Malawi,” according to Berry (2002:7), “French and British authorities

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<sup>4</sup> In 1992 Australia’s High Court upheld Indigenous common law rights (court-determined) to land title in *Mabo and Others v. State of Queensland*. However, “[p]opulist views to the contrary, the *Mabo* case did not grant land rights to indigenous Australians,” but rather determined the circumstances under which land had not been taken from them (Godden 1999:5). The *Wik* judgment of 1996 salvaged many of the land rights associated with pastoral leases granted by statute to non-Indigenous people, blunting the potential land recovery of *Mabo* for Aborigines.

claimed that ‘by right of conquest,’ all ‘vacant and ownerless’ land belonged to the colonial state.” The judgment of “vacant and ownerless” often rested on cursory (or no) inspection and applied to vast tracts that were then sold to European buyers and private concessionaires to “develop” the land, typically by exploiting and exporting resources.

Summarizing, *terra nullius* remains a viable international legal doctrine and is stirring again as a justificatory logic in north-south land relations. It is neither narrow in scope nor static in application. The line between what is “uncultivated” and “under-cultivated” is blurring, opening whole continents to new narratives and complex core-periphery interventions (Bauman 2009). In *de jure* as well as *de facto* terms, these narratives help frame market-led land deals in Africa as legitimate and necessary solutions to food insecurity in the north.

### DE FACTO TERRA NULLIUS

Sub-Saharan Africa is under enclosure pressure from without for multiple reasons, including its ample and “underemployed” labor force, its “undervalued” lands and “surplus” waters, and hospitable ecological conditions for food production. *De facto terra nullius* assertions regarding these resources are no less instrumental than earlier *de jure* forms on other continents. As narratives, they are frequently expressed by non-Africans in describing Africa as underpopulated and disease-ridden, as ambiguously owned and under-utilized, as intractably poor, and as a “civilization void.” Let us consider each in turn.

#### Underpopulation

Low population density is a keystone in enclosure logics in Africa and elsewhere (e.g., Raffles 2002; Bashford 2007; Grain 2008). But because few arable places attractive to investors are uninhabited, the demographic construct has shifted to relative rather than absolute population conditions. Where Africa is concerned, the case for food security in the north is explained by the north’s greater population (e.g., China, Germany, or South Korea) and/or in terms of relative purchasing power. Even the Gulf States with low population densities (e.g., Saudi Arabia) make the case that Africa is *relatively* empty and could profitably serve as their “plantation.” Cotula and colleagues (2009) defend northern entitlements in Africa as follows:

On the demand side, population growth, increasing urbanization rates (which expand the share of the world’s population that depends on food purchases) and changing diets (particularly growth in meat consumption by middle classes in large industrializing countries) appear among the factors pushing up global food demand. For example, while cereal agriculture in the Gulf countries is in irreversible decline [due to water scarcity], the population of the region will double from 30 million in 2000 to nearly 60 million by 2030. (53-4)

Justifying land transfers using demographic imperatives, though widespread, is of course problematic. It fails to take account of society-wide densities that include rapidly populating urban centers and it skirts ethical issues such as unbidden human and animal diseases that have hollowed out African landscapes for generations (Crosby 1986; Adams and Mulligan 2003). Instead, the impression of Africa as a “continent off the grid” is reinforced by images of semi-vacant and under-cultivated rural zones inhabited by migratory animals, subsistence villagers,

and ever-mobile tribal herders. In this framing, poorly equipped small-holder cultivators are unlikely to achieve food security for themselves or others without injections of capital, education, health care, and land reforms. They live in chronic food deficit and face the perpetual trap of poverty that undermines their nutrition and health and keeps death rates high (FAO 2009). The narrative is often unmistakable: changes in ownership, technology, and business organization could stabilize population, rejuvenate the under-cultivated periphery, link it to prospering global commodity chains, and end the requiem for rural Africa.

### **Underutilized Land and Labor**

A second narrative, overlapping with the first, is the ascription of under-utilized African land and labor (De Schutter 2011). This attribution assumes several forms. One is the broad-brush use of “wilderness” as fact and metaphor to describe Africa.<sup>5</sup> For some, if not many, food security advocates, wilderness is a suspect land use category, whether in reference to the 1.5 million square kilometers in African parks and protected areas or to the underpopulated and “inefficiently” used zones referred to above.<sup>6</sup> Wilderness protection, in this narrative, is a luxury the hungry world cannot afford.

Other proponents of this view focus on Africa’s productive potential, especially if water sources are present to “irrigate the garden.” Former *Wall Street Journal* reporter Roger Thurow (2010) recently put it this way in characterizing global demand:

Africa is the final frontier of food. We're going to need to double food production by 2050. Where's it going to come from? What country has this potential? The water sources in Africa are underutilized. There's land available for production. Wouldn't it be a grand irony if the continent now receiving emergency food aid becomes a continent that is helping to feed the world? That's Africa's potential.

In a similar vein, Eyesi (2009) reports:

Africa right now has comparative advantage in Agricultural production... According to the Food and Agriculture Organization (FAO) only 14% of the continent’s 184 million hectares of arable land is under cultivation. Agriculture also accounts for 17% of GDP and 57% employment. This represents underutilization of resources or, to put it in another way, virgin territory.

Such reasoning echoes the *de facto terra nullius* declarations of explorers and pioneers in Africa’s past (Adams 2003). “Underutilized” land and labor of Africa were themes of the 1884 Berlin Conference, which imagined it as a frontier awaiting settlement, improvement, commerce, and infrastructure. Today’s logic, but for the addition of food security, has changed very little (e.g., Bauer 1954; Schatz 1959). Africa’s land is abundant but “fallow” for reasons of

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<sup>5</sup> See Smout’s (2000) account of English intellectuals visiting rural Scotland, dismayed by its “wilderness” and forbidding terrain begging to be civilized.

<sup>6</sup> Protected area expansion in Africa in recent decades has been greatest in the poorest countries and, among these, 7 of the 38 studied had more land in protected area status than in croplands (Geisler 2003).

mismanagement, corruption, ethnic conflict, indifferent elites, failed land reforms, and a plague of social problems (World Bank 1995; Rothchild 1997; Ihonvbere and Mbaku 2003). The excess-fallow argument is incessant. Starita (2010) claims that there are a billion acres of underutilized land in Africa, the ILO (2007) suggests that over 70 percent of the workers in sub-Saharan Africa are underemployed; the FAO (2009) and World Bank (2009) point to serious production lags (cereal yields around 1.2 tons per hectare compared to an average of some 3 tons in the developing world as a whole), and input bottlenecks (fertilizer consumption at 13 kg per hectare in the sub-Saharan region in 2002, compared to 73 kg in the Middle East and North Africa and 190 kg in East Asia and the Pacific). As for irrigation, only 3 percent of land in sub-Saharan Africa is irrigated, compared to more than 20 percent globally.

The solution is straightforward and self-referencing. According to the FAO (2009), investment in agricultural research and development is acutely low in Africa and actually fell during the 1990s: “If Africa’s farmers can be helped to overcome these challenges and take advantage of new and improved market opportunities as the global economic crisis eases, it is widely agreed that the continent has enormous potential for growth in agriculture.” This *terra nullius* narrative is linked to a third—that of reformulated property rights and land reform.

### Insubstantial Title

The affinity between resource under-utilization and ill-defined private property is organic to neoliberal development thinking. Only a small fraction of African farmers have proof of ownership, giving some the impression of a quintessential Lockean landscape “owned by all,” that is none, and awaiting immanent enclosure.<sup>7</sup> As noted, the global commons that preceded private ownership was viewed by Locke (and his followers) as paleo-property, inferior to fee-simple ownership by individuals. Contemporary versions of the former, somewhat imprecisely called communal, customary, or common ownerships, are candidates for extinction, tragedies of the commons, and thwarted modernity (Landes 1998). Precisely for this reason, the *Mabo* decision in 1992, limited though it was in truly restoring aboriginal title, was an exceptional ruling. Citing numerous additional sources, Berry (2002) reminds us that suppressing indigenous property systems has a long history in Africa:

Colonial officials also waged long, often unsuccessful struggles to ban ‘shifting cultivation,’ limit movements of livestock and nomadic pastoralism, and concentrate scattered, mobile rural populations into permanent villages and towns—measures designed to strengthen colonial governance as well as to protect the environment against ‘primitive’ African methods of farming and foraging. (9)

More recent allegations that property lacking private title and “regularization” contributes to under-utilization are widespread in development agencies such as the World Bank (De Schutter 2011). In this view, even property that is nominally private but insecure due to weak or unrecorded title amounts to “dead capital” and is a barrier to the “highest and best use of land” (de Soto 2000; Cotula et al. 2009).

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<sup>7</sup> Daniel and Mittal (2009) provide examples from Ethiopia wherein land wrongly assumed to belong to “no one” (customary title) was transferred by the government to agro-developers.

Much of rural Africa, by this description, depends on stagnant property beset by a gridlock of competing tenure claims, some formal and others informal. It is estimated, for example, that less than 2 percent of land in West Africa has any formal paper proof of property rights (Toumlin 2006). In addition to excess fallow and dysfunction, Africa has inadequate land records and abiding ownership uncertainties. Outsiders have long sought a regime change in Africa, that is, property regime change, and advocate land reform as the best way to regularize the irregular, clarify clouded titles, ease the credit void, and formalize the market for land (e.g., Holden et al. 2009).<sup>8</sup> Such reform has the twin benefit, according to reformers, of addressing the age-old Land Question (land to African tillers) and enabling an expanding land market, economies of scale, and finally global food security.

But such a progression might simultaneously exacerbate external landlordism in Africa. Privatizing the African landscape through neoliberal land reform may or may not spark development (Trebilcock and Veel 2008; Meinzen-Dick and Mwangi 2009), or it may accomplish this at considerable cost to African sovereignty, traditional tenures, and local food security (De Schutter 2011). Title formalization can lead to land concentration, speculation, and greater corruption (Toumlin 2006; Musembi 2007; Bromley 2009) and be a bane to Africa's women, urban poor, nomadic peoples/pastoralists, among others. Western-style land privatization can dispossess commoners of different kinds, forcing them to trespass when searching for water, pasture, thatch, firewood, minor forest products and the like (Adenew and Abdi 2005; Bassett 2009). Not least, titling is expensive and, by limiting access to newly privatized land, may put food (and other forms of social security among small farmers) at risk (Woodhouse 2003; Daniel and Mittal 2009).

### **Lacking of Civilization**

A final *de facto* formulation of *terra nullius* is disturbing because of its cultural reductionism and apologetics. This construction hints at primitivism, backwards cultures, and racial inferiority. It retells a story of Africa as the “dark continent,” a “cultural wasteland,” and a “wanting civilization” that play out in failed states, rampant corruption, tribal and ethnic wars, famine, pandemics, and entrenched underdevelopment. These descriptors, separate or combined, unwittingly pose indictments and death sentences that nullify African people, places, and values. Interrogating agro-imperialism in Africa, for example, *New York Times* reporter Andrew Rice (2009) implicitly draws on such tropes:

Throughout Africa, the politics of land is linked to the grim reality of hunger. Famines, typically produced by some combination of weather, pestilence and bad governance, break out with merciless randomness, unleashing calamity and reshaping history.

Herein, the meaning of the *terra nullius* shifts from “land owned by no one” to cultural wastelands—a phenomenon echoed in Australia (an “uninhabited or barbarous country”) as well (Godden 1999).

Thus, in addition to the foregoing *terra nullius* narratives, African leaders and laypersons are met with a “civilization interruptus” script that translates into a “development crisis” that not merely allows but requires emergency interventions from without. They are informed that their

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<sup>8</sup> As Daniel and Mittal (2009) observe, however, redistributive land reforms may suffer from land-grab frenzy in cases where governments terminate such reform and sell “unclaimed” and untitled land to foreign or other investors.

internal food security is hopeless without foreign assistance, investment, and new “green revolutions.” The combined effects of desertification, flooding, epidemics, and climate change along with human misadventure make foreign takeovers and partnerships helpful and necessary. Rice’s (2009) article echoes the accompanying despair by showcasing Ethiopia, where agro-investments are now intense (Makki and Geisler 2011).<sup>9</sup> Ethiopia is the epicenter of recent famines, wars, and land reform debacles, but has peripheral lands to spare. Rice’s (2009) solution echoes the FAO and World Bank position:

Development economists and African governments say that if a country like Ethiopia is ever going to feed itself, let alone wean itself from foreign aid, which totaled \$2.4 billion in 2007, it will have to find some way of increasing the productivity of its agriculture.

Extending the welcome mat, Ethiopian leaders seek to change the negative perception of their previously socialist society and to attract foreign investment. Rice (2009) goes on:

Ethiopia might seem an unlikely hotbed of agricultural investment. To most of the world, the country is defined by images of famine: about a million people died there during the drought of the mid-1980s, and today about four times that many depend on emergency food aid. But according to the World Bank, as much as three-quarters of Ethiopia’s arable land is not under cultivation, and agronomists say that with substantial capital expenditure, much of it could become bountiful... [Ethiopia’s President Zenawi] has publicly said he is ‘very eager’ to attract foreign farm investors by offering them what the government describes as ‘virgin land.’

To summarize, nuanced forms of *terra nullius* are taking hold across Africa and justifying a juggernaut of new agricultural investment. These narratives emphasize need and distress (“empty womb,” “inefficient management,” “inept governance,” “cultural backwater,” “imperiled ecosystems,” etc.) that outside investors can remedy, alone or in concert with Africans. These interests have found language, concept, and legal precedent with which to argue that there is only one answer to the continent’s current Land Question: a new and benign landlordism that will counter *de facto terra nullius* in its multiple forms. Herein, sub-Saharan Africa is an old frontier awaiting new capitalization. These metaphors and meta-realities subordinate Africa’s food and biofuel needs to those of offshore interests, sometimes with the blessing of African governments and elites.

Is the investment surge following on the heels of *terra nullius* bulwark inevitable and unstoppable? There are as many answers to this variant of The Land Question as there are countries in Africa. Certainly there are counter-narratives and counterfactual histories. In its *de jure* form, *terra nullius* has been dealt a qualified legal blow through the 1992 *Mabo* decision in Australia. Media and grassroots attention to land grabbing in its many forms have mushroomed (Zoomers 2010), and political resistance is present in the counter-hegemonic actions of the expanding World Social Forum. The Forum’s Charter of Principles explicitly declares opposition to all reductionist views of economy, development, and history. Two of its recent world meetings

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<sup>9</sup> In 2009 the Ethiopian government approved land deals totaling around 1.5 million acres; its government investment agency reported approving 815 foreign-financed agricultural projects since 2007, nearly doubling the number registered in the entire previous decade (Rice 2009).

have been held in Africa, the Senegal World Social Forum of 2011 drawing 75,000 participants from 132 countries.<sup>10</sup> The campaign to cancel a 1.3 million hectare agreement between the Korean Daewoo Corporation, mentioned above, and the government of Madagascar was intense. Indeed, grassroots outrage over this venture helped topple the country's president. In England (where once the Levelers and Diggers challenged land usurpation), a 2011 conference at Sussex University on land grabbing yielded panels and papers on local resistance to enclosures and dispossession in the global South.<sup>11</sup> A sequel to that conference will be held in 2012 on the explicit topic of resistance to land grabs, at least some of which will have been justified on *terra nullius* grounds.

Scholarship on *de facto terra nullius* as such remains incipient, despite the rapidly expanding attention to the theme of new enclosures (e.g., Araghi 2000; Blomly 2008; Vasudevan, McFarlane, and Jeffrey 2008) and accumulation through dispossession (Harvey 2003; 2009). World-systems theorists have provided insights into the "Great European Land-Grab" (Gotts 2007) and drawn attention to the cyclical nature of enclosure at different spatio-temporal scales. They have further acknowledged the importance of natural forces and population dynamics in food insecurity and famine, and certainly drawn attention to the doctrines contrived by empires before and during the capitalist era to naturalize and legalize their expansions amidst periods of rising and falling economic fortunes (Davis 2001; Anderson and Chase-Dunn 2005). Acute food insecurity thus becomes part of larger processes among core powers that institutionalize political coercion in peripheral settings to accumulate wealth. Empirical support for the world-system view is not wanting (e.g., Dirks 1993; Fulkerson and McKinney 2011).

There remains ample room for further research on exactly what new enclosures are (as initiated by nations as diverse as China, Saudi Arabia, and the United States), on whether the victims/beneficiaries of enclosure/investment in Africa and elsewhere include small holders holding title to their land (Harvey's emphasis almost entirely skips this form of predation and world-system scholars assume that land in peripheral states is held in common or in private tenure by a small group of elites), and on what emergency master narratives are used to normalize the alienation of resources belonging to other nations and their citizens. Research on land rights, as MacPherson (1985) observed, needs to be re-embedded in the larger framework of human rights and vice-versa.

## CONCLUSION

There is irony in the current rush to invest in Africa, aimed, as it is, at staving off actual and anticipated food shortages in other regions of the world. It comes at a time when land, water, and soil are at a premium globally. These are resources that abound in parts of Africa. They had been passed over, to some extent, when the global North was prospering and Africa's needs were immense. Now, to persuade Africa to loosen its control of these assets, the north is crafting morality tales couched in security needs and folding them into new *terra nullius* narratives. We should expect more such narratives to appear with the intensification of global climate change.

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<sup>10</sup> Accessed on 6/8/11 at <http://fsm2011.org/en>

<sup>11</sup> International Conference on Global Land Grabbing occurred on 6-8 April as IDS, Sussex, UK, and was co-organized with Future Agricultures Consortium (FAC), PLAAS of the University of the Western Cape, Cornell University, and the International Institute of Social Studies (ISS), The Hague.

As food insecurity becomes more severe in the north, new space will be needed at home and abroad to grow crops on a scale that keeps pace with population and consumption patterns of the world's more fortunate citizens. This will be true despite genetic engineering and other interventions that intensify food and fuel production. In the absence of low-hanging colonies to supply such foods, new gentrification narratives will evolve to justify overseas investment and provide what William Catton, Jr. (1982) referred to long ago as ghost acres in distant places needed to satisfy appetites in the industrialized north. Whether this can be done without causing gross food insecurity, displacement, and loss of confidence in the global South—the stigma of *terra nullius*—remains to be seen. In the meantime, “worthless Africa” is becoming valuable real estate for non-Africans.

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